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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,969	03/31/1999	TAKESHI FUNAHASHI	Q53829	7976

7590

06/02/2003

SUGHRUE, MION, ZINN  
MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/281,969

Applicant(s)

FUNAHASHI ET AL.

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7-21 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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8

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4, 6, & 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamakita et al.

Re claims 1-4, 6, & 23, Yamakita et al. discloses (Figure 5 & column 11, line 59 - column 14, line 56; particularly column 11, lines 59-61 and column 12, lines 23-42 & 58-63) an image processor in which an image signal is read, an iridial granule is extracted on the reading side, providing a normalization processing condition used in the subsequent processing. The image signal is then received by a processor, and the processor determines normalization parameters on the receiving (processor) side with which to perform normalization processing by processing (and thereby changing) the iridial granule.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakita et al. in view of Applicant's admitted Prior Art.

Yamakita et al. discloses a processing arrangement for "images" from a generic source, without regard to the specific technology used to obtain and store the original images. As noted by Applicant (page 1, lines 12-19), the reading of the particular recited type of image (a radiation image stored on a stimuable phosphor sheet) is well known in the art. The processing of this particular type of image in accordance with the Yamakita et al. parameters in order to perform the disclosed image identification process would be an expedient obvious to one of ordinary skill in the art.

***Allowable Subject Matter***

5. Claims 5, 7-21, & 24 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 5, 7, 8, & 17, the art of record does not teach or suggest the generation of separate image data, reduced image data, and a normalization processing condition generated from

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the image data by a reading side normalization processing condition determining means.

Re claims 9-15, 18, & 24 (and dependent claims 19-21), the art of record does not teach or suggest a determination of whether a normalization processing condition falls within a predetermined range in conjunction with the determination of a normalization processing condition for an image.

***Response to Arguments***

7. Applicant's arguments filed 19 March 2003 have been fully considered but they are not persuasive.

Re claim 1, Applicant argues (Paper #7: page 20, lines 8-17) that the system of claim 1 has normalization processing determining means on each of the reading side and the receiving side, and that the iridial granule extraction arrangement on the reading side of Yamakita et al. fails to read on the former because it the iridial granule does not determine any normalization processing conditions.

However, Yamakita et al. discloses (column 13, lines 23-42 & 58-63) that normalization processing on the image received by the processor (specifically, geometric normalization processing) uses parameters determined by the iridial granule.

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Re claim 2, Applicant argues (Paper #7: page 20, line 19 - page 21, line 4) that claim 2 recites the same feature indicated as allowable in claims 5, 7-21, & 24.

However, these claims differ from claim 2 in that (for example) claim 5 recites the extraction of both "reduced image data" and a "parameter for determining the normalization processing condition" as two distinct entities; claim 7 recites both "reduced image data" and "the normalization processing condition" as two distinct entities; etc. On the other hand, claim 2 recites only the "reduced image data". Thus, the iridial granule is readable upon the "reduced image data" recited by claim 2, but not upon both separate entities recited in claims 5, 7, etc.

Re claims 3 & 6, Applicant argues (Paper #7: page 21, line 5 - page 22, line 3) that the processing of the iridial granule of Yamakita et al. changes the *image data*, but not the *normalization condition*.

Upon review of this argument, Examiner interprets the distinction to mean that while the *particular variable* used to conduct the geometric normalizer of Yamakita et al. is subject to change during processing, Yamakita et al. does not describe a case in which the geometric normalizer shifts from dependence upon one variable to dependence upon a *different variable*.

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Examiner concurs that the latter is not taught or suggested by Yamakita et al; however, it is not clear that the recited "changing the normalization process condition" requires the latter rather than the former.

Re claims 4 & 6, Applicant argues (Paper #7: page 22, lines 4-9) that a parameter of the image reading apparatus is taken into account.

However, the language of claim 4 describes the relationship between the recited "image reading apparatus" and the recited "parameter" as "the image reading apparatus outputting the image data and a parameter for determining the normalization processing condition". This recitation does not require that the recited "parameter" is a specific characteristic of the "image reading apparatus" as opposed to a characteristic of the read image (as in Yamakita et al).

Re claim 23, Applicant argues (Paper #7: page 22, lines 10-16) that the claim language requires one of "the normalization processing condition", "reduced image data", or "a parameter for determining the normalization processing condition" is output in addition to image data, and that Yamakita et al. teaches the output of only image data.

However, as noted above, the iridial granule output by Yamakita et al. (which is output in addition to the overall eye



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image) is readable upon the recited "reduced image data" or the recited "normalization processing condition" (though admittedly not upon both when a claim recites both as separate entities).

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9314.

Stephen M Brinich  
Examiner  
Art Unit 2624

smb *smb*  
May 22, 2003



THOMAS D.  
~~LEE~~ LEE  
PRIMARY EXAMINER